

104TH CONGRESS  
2D SESSION

# H. R. 3391

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 2, 1996

Mr. SCHAEFER (for himself, Mr. STUPAK, Mr. BURR, Mr. HEFNER, and Mr. BEREUTER) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. LEAKING UNDERGROUND STORAGE TANKS.**

2 (a) TRUST FUND DISTRIBUTION.—Section 9004 of  
3 the Solid Waste Disposal Act (42 U.S.C. 6991c) is amend-  
4 ed by adding at the end the following new subsection:

5 “(f) TRUST FUND DISTRIBUTION TO STATES.—

6 “(1) IN GENERAL.—(A) The Administrator  
7 shall distribute to States at least 85 percent of the  
8 funds appropriated to the Environmental Protection  
9 Agency from the Leaking Underground Storage  
10 Tank Trust Fund (in this subsection referred to as  
11 the ‘Trust Fund’) each fiscal year for the reasonable  
12 costs under cooperative agreements entered into with  
13 the Administrator—

14 “(i) for States’ actions under section  
15 9003(h)(7)(A);

16 “(ii) for corrective action and compensa-  
17 tion programs under section 9004(c)(1) for re-  
18 leases from underground storage tanks regu-  
19 lated under this subtitle;

20 “(iii) for enforcement of a State or local  
21 program approved under this section or enforce-  
22 ment of this subtitle or similar State or local  
23 provisions by a State or local government; and

24 “(iv) for State and local corrective actions  
25 pursuant to regulations promulgated under sec-  
26 tion 9003(c)(4).

1           “(B) Funds provided by the Administrator  
2           under subparagraph (A) may not be used by States  
3           for purposes of providing financial assistance to an  
4           owner or operator in meeting the requirements re-  
5           specting underground storage tanks contained in  
6           section 280.21 of title 40 of the Code of Federal  
7           Regulations (as in effect on the date of the enact-  
8           ment of this subsection) or similar requirements in  
9           State programs approved under this section or simi-  
10          lar State or local provisions.

11           “(2) ALLOCATION.—

12           “(A) FORMULA.—In the case of a State  
13           that the Administrator has entered into a coop-  
14           erative agreement with under section  
15           9003(h)(7)(A), the Administrator shall distrib-  
16           ute funds from the Trust Fund to the State  
17           using the allocation formula developed by the  
18           Administrator for such cooperative agreements.

19           “(B) REVISIONS TO FORMULA.—The Ad-  
20           ministrator may revise such allocation formula  
21           only after—

22                   “(i) consulting with representatives of  
23                   owners and operators;

24                   “(ii) consulting with State agencies  
25                   responsible for overseeing corrective action

1 for releases from underground storage  
2 tanks; and

3 “(iii) taking into consideration, at a  
4 minimum, the total revenue received from  
5 each State into the Trust Fund, the num-  
6 ber of confirmed releases from leaking un-  
7 derground storage tanks in each State, the  
8 number of notified petroleum storage tanks  
9 in each State, and the percent of the popu-  
10 lation of each State using groundwater for  
11 any beneficial purpose.

12 “(3) RECIPIENTS.—Distributions from the  
13 Trust Fund under this subsection shall be made di-  
14 rectly to the State agency entering into a cooperative  
15 agreement or enforcing the State program.

16 “(4) COST RECOVERY PROHIBITION.—Owners  
17 and operators that receive funds provided to States  
18 from the Trust Fund for programs under section  
19 9004(c)(1) for releases from underground storage  
20 tanks are not subject to the cost recovery provisions  
21 of section 9003(h)(6).”.

22 (b) CONFORMING AMENDMENT.—Section 9508(c)(1)  
23 of the Internal Revenue Code of 1986 is amended by in-

- 1 serring before the period at the end the following: “and
- 2 to carry out section 9004(f) of such Act”.

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